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10/612,429	07/02/2003	Qiong Liu	FXPL-01064US0	6567

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EXAMINER	
MONIKANG, GEORGE C	
ART UNIT	**PAPER NUMBER**
2615	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/612,429	LIU ET AL.	
	Examiner	Art Unit	
	George C. Monikang	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 July 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☒ Claim(s) *13 and 15-19* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *5/28/2004, 1/2/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

A series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim.

A claim which depends from a dependent claim should not be separated by any claim which does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n).

Claim 13 depends on claim 21, which is not in sequence with above paragraph.

Claims 15-19 are objected to because of the following informalities: Dependent claims 15-19 are written as being dependent on claim 1 but claim 1 does not disclose a computer program product. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 5, 7, 9-10, 14 & 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Peng, US Patent 6,774,939 B1.

Re Claim 1, Peng discloses a method for managing audio devices (*abstract*), comprising: providing video content (*abstract*), the video content having pixels associated with at least one audio device (*abstract*); receiving a selection of a first group of pixels (*fig. 2: 50*), the selection made by a user (*fig. 2: 44*), the first group of pixels within the video content (*fig. 2: 50; col. 6, lines 11-18*); selection of an audio device based on the first group of pixels (*abstract; fig. 2: 50-50b; col.6. lines 11-18*); providing audio from the audio device to the user (*abstract*).

Re Claim 5, Peng discloses the method of claim 1 wherein selection of an audio device includes: selecting a plurality of audio devices associated with the first group of pixels (*col. 9, lines 31-44*); comparing parameters for each audio device (*col. 9, lines 31-44*); and selecting one of the plurality of audio devices (*col. 9, lines 31-44*).

Re Claim 7, Peng discloses the method of claim 1 wherein selection of an audio device includes: determining that no audio device is associated with the selected first group of pixels (*col. 9, lines 31-44*); determining an alternative audio device to operate as the audio device associated with the selected first group of pixels (*col. 9, lines 31-44*), the alternative audio device configured to capture audio associated with selection of the first group of pixels (*col. 9, lines 31-44*).

Re Claim 9, Peng discloses the method of claim 1, further comprising: automatically selecting a second group of pixels (*fig. 11: 812; col. 14, lines 34-44*), the second group of pixels associated with a second weight and selected as a result of

detecting motion in the video content (*fig. 11: 812; col. 14, lines 34-44*), the first group of pixels associated with a first weight (*fig. 11: 812; col. 14, lines 34-44*), wherein providing audio includes: providing audio associated with the group of pixels associated with the highest weight (*fig. 11: 812; col. 14, lines 34-44*).

Claim 10 has been analyzed and rejected according to claim 1.

Claim 14 has been analyzed and rejected according to claim 1.

Claim 18 has been analyzed and rejected according to claim 7.

Claim 19 has been analyzed and rejected according to claim 9.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2-4, 8, 12-13 & 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peng, US Patent 6,774,939 B1 as applied to claim 1 above, and

further in view of Lassiter, US Patent 6,624,846 B1. (Lassiter reference is cited in IDS filed 5/28/2004)

Re Claim 2, Peng discloses the method of claim 1 but fails to disclose wherein said providing video content includes: capturing video content of a live event at a first location; and providing the video content to a remote location. However, Lassiter does (*col. 1, lines 56-59*).

Taking the combined teachings of Peng and Lassiter as a whole, one skilled in the art would have found it obvious to modify the method of Peng with wherein said providing video content includes: capturing video content of a live event at a first location; and providing the video content to a remote location as taught in Lassiter (*col. 1, lines 56-59*) so that the system can be used for teleconferencing.

Re Claim 3, Peng discloses the method of claim 1 but fails to disclose wherein selection of an audio device includes: selection of an audio device that is located at a physical location associated with the selected first group of pixels. However, Lassiter does (*col. 6, lines 32-37*).

Taking the combined teachings of Peng and Lassiter as a whole, one skilled in the art would have found it obvious to modify the method of Peng with wherein selection of an audio device includes: selection of an audio device that is located at a physical location associated with the selected first group of pixels as taught in Lassiter (*col. 6, lines 32-37*) so the system could pickup sound from the location being recorded.

Claim 4 has been analyzed and rejected according to claim 3.

Re Claim 8, Peng discloses the method of claim 1 but fails to disclose wherein providing audio includes: providing 2-way audio between the user and a second user, the user located at a remote location and the second user located at a central location associated with the video content. However, Lassiter does (*col. 1, lines 56-59: video communication with remote location can include audio*).

Taking the combined teachings of Peng and Lassiter as a whole, one skilled in the art would have found it obvious to modify the method of Peng with wherein providing audio includes: providing 2-way audio between the user and a second user, the user located at a remote location and the second user located at a central location associated with the video content as taught in Lassiter (*col. 1, lines 56-59: video communication with remote location can include audio*) so that the system can be used for teleconferencing.

Re Claim 12, Peng discloses an interface tool for managing audio devices (*fig. 2*), comprising: an overview window (*fig. 2: 42*), the interface tool configured to receive input from a user (*fig. 2: 44*), the input indicating a selection of a region of the first video content (*fig. 2: 50; col. 6, lines 11-18*); a selection display window (*fig. 2: 42*), the selection display window configured to provide a second video content (*fig. 2; abstract*), the second video content including video of the selected region (*fig. 2: 50a; col. 6, lines 11-18*), the second video content having a higher resolution than the first video content (*col. 9, lines 45-56*); and an audio output device (*abstract*), the audio output device configured to output audio associated with the selected region (*abstract*); but fails to

disclose the overview window configured to provide a first video content captured at a remote location. However, Lassiter does (*col. 1, lines 56-59*).

Taking the combined teachings of Peng and Lassiter as a whole, one skilled in the art would have found it obvious to modify the interface tool for managing audio devices (*fig. 2*), comprising: an overview window (*fig. 2: 42*), the interface tool configured to receive input from a user (*fig. 2: 44*), the input indicating a selection of a region of the first video content (*fig. 2: 50; col. 6, lines 11-18*); a selection display window (*fig. 2: 42*), the selection display window configured to provide a second video content (*fig. 2; abstract*), the second video content including video of the selected region (*fig. 2: 50a; col. 6, lines 11-18*), the second video content having a higher resolution than the first video content (*col. 9, lines 45-56*); and an audio output device (*abstract*), the audio output device configured to output audio associated with the selected region (*abstract*) of Peng with the overview window configured to provide a first video content captured at a remote location as taught in Lassiter (*col. 1, lines 56-59*) so that the system can be used for teleconferencing.

Claim 13 has been analyzed and rejected according to claim 2.

Claims 15 & 16 have been analyzed and rejected according to claim 3.

Claims 6, 11 & 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peng, US Patent 6,774,939 B1.

Re Claim 6, which further recites, "Wherein the parameters include signal to noise ratio." Peng does not explicitly disclose a signal to noise ratio as claimed. Official

notice is taken that both the concepts and advantages of providing a signal to noise ratio are well known in the art. It would have been obvious to use a signal to noise ratio since it is commonly used to identify the amount of background noise interference in a sound signal as a means to select the audio devices.

Claims 11 & 17 have been analyzed and rejected according to claim 6.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Monikang whose telephone number is 571-270-1190. The examiner can normally be reached on M-F. alt Fri. Off 7:30am-5:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

George Monikang 9/3/2007

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